

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Company, Pilgrim Nuclear Power Station; Notice of Consideration of Approval of Transfer of Facility Operating License and Materials License and Issuance of Conforming Amendment, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-35 for the Pilgrim Nuclear Power Station (Pilgrim) currently held by Boston Edison Company (Boston Edison), as owner and licensed operator of Pilgrim. The transfer would be to Entergy Nuclear Generation Company (Entergy). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by Boston Edison and Entergy, Entergy would assume title to the facility following approval of the proposed license transfer, and would be responsible for the operation, maintenance, and eventual decommissioning of Pilgrim. No physical changes to the Pilgrim facility or operational changes are being proposed in the application.

The proposed amendment would replace references to Boston Edison in the license with references to Entergy, to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which

does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By February 16, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon John M. Fulton, Assistant General Counsel, at Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199-8003 (tel: 617-424-2553; fax: 617-424-2733; e-mail: john_fulton@bedison.com), Jay E. Silberg, counsel for Boston Edison, at Shaw Pittman Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037-1128 (tel: 202-663-8063; fax: 202-663-8007; e-mail: jay_silberg@shawpittman.com), and Douglas E. Levanway, counsel for Entergy Nuclear Generating Company, at Wise, Carter, Childs and Caraway, P.O. Box 651, Jackson, Mississippi, 39205-0651 (tel: 601-968-5524; fax: 601-968-5519; e-mail: del@wisecarter.com); the General Counsel, U.S. Nuclear Regulatory

Commission, Washington, DC 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by February 25, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated December 21, 1998, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02199.

Dated at Rockville, Maryland this 21st day of January 1999.

For the Nuclear Regulatory Commission.
William M. Dean,

Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION**Advisory Committee on Nuclear Waste; Notice of Meeting**

The Advisory Committee on Nuclear Waste (ACNW) will hold its 106th meeting on February 23-25, 1999, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, February 23, 1999—8:30 A.M. until 6:00 P.M.